

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 2:19-cr-00010**

**District Judge William L. Campbell, Jr.**

**GILBERT R. GHEARING,**

**Defendant.**

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**MOTION TO CONTINUE SENTENCING HEARING**

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COMES NOW, the Defendant, Gilbert Ghearing, M.D. (“Dr. Ghearing”), by and through his undersigned counsel, Ronald Chapman, II, and Meggan Bess Sullivan, and moves this Court to continue the sentencing hearing set for July 27, 2023, and in support thereof, states as follows:

1. The sentencing hearing set for this matter is scheduled for July 27, 2023.
2. A jury found Dr. Ghearing guilty of multiple counts of the superseding indictment on March 28, 2023. Since that time, counsel for Dr. Ghearing have been in continuous contact with the United States Probation office, despite hectic trial schedules with other clients. Given the numerous communications with US Probation, it is unclear why it would be communicated to the Court that US Probation was not permitted to meet with Dr. Ghearing. It was communicated that both counsel’s schedules made it difficult to appear with Dr. Ghearing and schedule the presentencing interview.
3. On May 1, 2023, Probation Officer Deb Lochmaier first reached out to defense counsel to schedule the presentencing interview. However, undersigned were not available as both were in trial.

4. Despite good and consistent communications since May 1, 2023, and good faith attempts to schedule the interview since then, numerous work and personal events of both undersigned counsel and Officer Deb Lochmaier made it difficult to find a mutually convenient date to schedule the interview. Some of those events include the following:
  - a. On May 1, 2023, both undersigned counsel began trial in the matter of *United States v. Thomas Sachy*, Case No. 5:18-cr-048, Middle District of Georgia.
  - b. From June 12, 2023, until June 20, 2023, both undersigned counsel took their only vacation.
  - c. From June 26, 2023, until July 6, 2023, Ms. Lochmaier was on vacation and unavailable.
  - d. Ms. Sullivan was out of the district on personal family matters from July 5, 2023, until July 9, 2023.
  - e. On July 10, 2023, Ronald Chapman began trial in the matter of *United States v. Kousa*, Case No. 7:22-cr-008, Eastern District of Kentucky. As of this filing, this trial is still in progress.
5. At the time of the Government's filing (D.E. 283), the presentencing interview had been scheduled for July 26, 2023, when one of Dr. Ghearing's counsel could be present with him at the interview.
6. In addition to the scheduling conflicts of all the parties, the defendant filed a Motion for Acquittal and a Motion for New Trial on May 11, 2023. On June 2, 2023, the Defendant filed a Supplemental Motion for a New Trial and Motion for Acquittal. The Court has yet to rule on those motions. The defense would like to have the benefit of those rulings prior to a sentencing hearing.

7. Defendant requests to continue the sentencing hearing in this matter to complete a presentencing interview and complete the presentencing report.
8. On October 16, 2023, both defense counsel are scheduled for trial in the matter of *United States v. Whelan*, Case No.: 2:21-cr-005, in the Eastern District of Wisconsin and this trial is scheduled to last two weeks to two and a half weeks. Defendant requests this matter be reset to mid-November 2023.
9. Undersigned counsel has not discussed this matter with the Government as there is not a presentencing report and does not believe a status conference needs to be held to discuss continuing the sentencing hearing.

Respectfully Submitted,  
CHAPMAN LAW GROUP

Dated: July 18, 2023

/s/ Meggan B. Sullivan  
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Dated: July 18, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2023, I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the parties involved.

/s/ Meggan B. Sullivan  
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